

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Aglet Consumer Alliance for award of intervenor compensation for contributions to Resolution E-4723 regarding compliance with Smart Meter opt-out provisions ordered in Decision 14-12-078.

Application 15-11-016
(Filed November 13, 2015)

**APPLICATION OF AGLET CONSUMER ALLIANCE FOR AWARD OF INTERVENOR
COMPENSATION FOR CONTRIBUTIONS TO RESOLUTION E-4723**

Intervenor: Aglet Consumer Alliance	For contribution to Resolution (Res.) E-4723
Claimed: \$1,823.57	Awarded: \$1,823.57
Assigned Commissioner: Michael Picker	Assigned ALJ: Amy Yip-Kikugawa

PART I: PROCEDURAL ISSUES

A. Brief description of the Resolution:	Resolution E-4723 resolves compliance disputes following Decision (D.) 14-12-078, issued in Application (A.) 11-03-014 <i>et al.</i> regarding opting out of Smart Meter service.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):		
2. Other specified date for NOI:		
3. Date NOI filed:		November 13, 2015
4. Was the NOI timely filed?		Yes

Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	See comment below.	
6. Date of ALJ ruling:		
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, <i>see</i> discussion below.
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	See comment below.	
10. Date of ALJ ruling:		
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes, <i>see</i> discussion below.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	Res. E-4723	Verified
14. Date of issuance of Final Order or Decision:	September 18, 2015	Verified
15. File date of compensation request:	November 13, 2015	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor’s Comment(s)	CPUC Discussion
5, 9	<p>See D.15-08-020, pp. 2-3, for verification of customer status and significant financial hardship.</p> <p><u>Customer Status.</u> The Commission did not issue an eligibility ruling in response to Aglet’s NOI filed in A.11-03-014 <i>et al.</i> In D.13-01-015 and D.15-08-020 the Commission concluded that Aglet’s compensation claims in A.11-03-014 <i>et al.</i> satisfied all requirements of Public Utilities Code §§ 1801-1812. Those requirements include a showing of customer status.</p>	<p>Aglet Consumer Alliance (Aglet) filed its NOI on November 13, 2015. When an intervenor participates in an advice letter proceeding, the intervenor may file its NOI concurrently with its compensation request (<i>See</i> D.98-11-049). In its request, Aglet notes that its members are customers of the four affected utilities. The economic interests of Aglet’s individual members are small compared to the costs of effective participation in this proceeding. The Commission finds that Aglet has demonstrated customer status and significant financial hardship, and is eligible to request compensation for its substantial contribution to</p>

<p>Aglet is a Category 3 customer. Aglet is an unincorporated nonprofit association registered with the State of California Secretary of State. (Reg. No. 6861.) Aglet is a group authorized pursuant to its articles of organization and bylaws to represent and advocate the interests of residential and small commercial customers of electrical, gas, water and telephone utilities in California. (See Paragraph 2 of Aglet's articles, and Paragraphs 2 and 3.2 of Aglet's bylaws, both dated May 23, 1999.) Aglet attached a copy of its articles and bylaws to an Amended Notice of Intent filed May 17, 2011 in A.10-11-015. There has been no change to Aglet's articles and bylaws since May 23, 1999. All of Aglet's present members are residential utility customers, including customers of the four utilities affected by Res. E-4723. None is a large commercial or industrial customer that might use great quantities of electricity or gas.</p> <p><u>Significant Financial Hardship.</u> On June 3, 2011, less than three months after PG&E filed A.11-03-014, the Commission issued a ruling that determined that Aglet was eligible for compensation in A.10-11-015. The ruling included a finding of significant financial hardship. In D.13-01-015 and D.15-08-020 the Commission concluded that Aglet's compensation claims in A.11-03-014 <i>et al.</i> satisfied all requirements of Public Utilities Code §§ 1801-1812. Those requirements include a showing of significant financial hardship.</p> <p>The Commission has in many past proceedings issued findings of significant financial hardship for Aglet. However, the Commission has not issued such a finding in the past year.</p> <p>The economic interests of Aglet's individual members are small compared to the costs of effective participation in this proceeding. Typical residential electric bills are in the order of \$1,200</p>	<p>Res. E-4723.</p>
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	annually, and the impacts of A.11-03-014 <i>et al.</i> , which underlies the compliance issues resolved in Res. E-4723, are tiny compared to typical monthly bills.	
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PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(i), § 1803(a), and D.98-04-059).

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
Pursuant to Part IV of the Commission's "Intervenor Compensation Program Guide and Instructions" a copy of the draft resolution that preceded Res. E-4723 is included as Attachment 5 to this application.	Aglet did not submit comments on the draft resolution.	
1. <u>General</u> (2.1 hours). This small amount of time was necessary to review four utility advice letters and the draft resolution, and to write the first page of Aglet's March 2, 2015 protest.	Aglet filed a protest to three utility advice letters on March 2, 2015, and a protest to one more utility advice letter on March 6, 2015. (Res. E-4723, pp. 5-6.) A copy of Aglet's March 2, 2015 protest is included as Attachment 6 to this application. A copy of Aglet's March 6, 2015 protest is included as Attachment 7 to this application.	Yes.
2. <u>Incremental benefits</u> (3.8 hours). Aglet argued that authorized memorandum and balancing accounts should record incremental benefits of opting out. See Aglet protest, March 2, 2015, p. 2.	The Commission denied Aglet's proposal on this issue. (Res. E-4723, discussion at pp. 14-15, Finding 4 at p. 29.) Aglet has excluded the associated 3.8 hours of professional time from this request.	N/A
3. <u>Exit costs</u> (2.5 hours). Aglet argued that approved tariff provisions should explicitly exclude exit costs that might be recovered through exit fees. See Aglet	The Commission agreed with Aglet and ordered that utilities should not recover exit costs through their balancing accounts. (Res. E-4723, discussion at pp. 15-18, Finding 5 at p. 29, Ordering Paragraphs 2, 3 and 5 at p. 31.)	Yes.

protest, March 2, 2015, pp. 2-4.		
4. <u>Memorandum accounts</u> (1.0 hours). Aglet argued that rules for recovery of costs through utility balancing accounts should also apply to previously authorized memorandum accounts. See Aglet protest, March 2, 2015, p. 4.	The Commission agreed with Aglet and ordered that utilities should not recover exit costs previously recorded in memorandum accounts. (Res. E-4723, discussion at pp. 18-19, Findings 7 and 8 at p. 29, Ordering Paragraphs 6 and 7 at pp. 31-32.)	Yes.

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?	No	Verified
b. Were there other parties to the proceeding with positions similar to yours?	No	Verified
c. If so, provide name of other parties:		
d. Intervenor's claim of non-duplication: No other party protested the advice letters that are the subject of Res. E-4723 regarding the issues raised in Aglet's protests. Aglet did not duplicate the efforts of any other party.		Verified

C. Additional Comments on Part II:

#	Intervenor's Comment	CPUC Discussion
B	ORA and other parties participated in A.11-03-014 <i>et al.</i> See D.15-08-020, p. 6, Part II, Section B.	

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§ 1801 and § 1806):**

a. Intervenor's claim of cost reasonableness: See D.15-08-020, p. 8, Part III, Section A.a, for Commission verification. Compared to the monetary and health issues at stake, Aglet's request for \$1,823.57 in compensation is reasonable. Aglet recognizes that the amount requested is very small, but Aglet's contributions to Res. E-4723 are clear.	CPUC Discussion Verified
b. Reasonableness of hours claimed: Aglet requests compensation for only 5.6 hours of professional time, after adjustment to remove hours spent on the "incremental benefits" issue. Aglet waives compensation for time spent preparing this compensation request.	Verified
c. Allocation of hours by issue: See Attachment 3, p. 2, for a listing of the issues that were included in Aglet's protests. Allocation of hours to issues is based on Weil's time records in Attachment 3 and page counts in Aglet's protests. Aglet requests compensation for 2.1 hours of general work, 2.5 hours of work on exit costs, and 1.0 hours of work on memorandum accounts.	Verified

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate	Total \$	Hours	Rate \$	Total \$
James Weil	2015	5.6	\$325	D.15-08-020	\$1,820.00	5.6	\$325 ¹	\$1,820.00
Subtotal: \$1,820.00						Subtotal: \$1,820.00		
COSTS								
#	Item	Detail			Amount	Amount		
1	Postage	See Attachment 3, p. 1			\$3.57	\$3.57		
TOTAL REQUEST:					\$1,823.57	TOTAL AWARD: \$1,823.57		
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate.</p>								

¹ Approved in D.15-08-023.

ATTORNEY INFORMATION

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Service List for A.11-03-014 <i>et al.</i>
3	James Weil Hours and Costs
4	(Not used)
5	Draft Res. E-4723
6	Aglet protest filed March 2, 2015
7	Aglet protest filed March 6, 2015

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes

FINDINGS OF FACT

1. Aglet Consumer Alliance has made a substantial contribution to Resolution E-4723.
2. The requested hourly rate for Aglet Consumer Alliance's representative is comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$1,823.57.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Aglet Consumer Alliance shall be awarded \$1,823.57
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company shall pay Aglet Consumer Alliance their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2015 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning January 27, 2016, the 75th day after the filing of Aglet Consumer Alliance's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision closes the proceeding.

This decision is effective today.

Dated _____, 2016, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	Resolution E-4723		
Proceeding(s):	A1511016		
Author:	ALJ Yip-Kikugawa		
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company, San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier ?	Reason Change/Disallowance
Aglet Consumer Alliance	November 18, 2015	\$1,823.57	\$1,823.57	N/A	N/A

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
James	Weil	Expert	Aglet Consumer Alliance	\$325	2015	\$325

(END OF APPENDIX)